

AMENDED 2/10/2016
CORRECTIONS IMPACT STATEMENT

SESSION: 16RS

BILL #: HB 67

BR #: 219

DOC ID#: BR021900.100 - 219 - 667

BILL SPONSOR(S): Rep. St. Onge

AMENDMENT SPONSOR(S):

SUBJECT: AN ACT relating to drone harassment.

SUMMARY OF LEGISLATION: Create a new section of KRS Chapter 525 to define the new offense of drone harassment; amend KRS 446.010 to define "drone."

This ☒ **bill** ☐ **amendment** ☐ **committee substitute is expected to:**

☒ **Have the following Corrections impact** ☐ **Have no Corrections impact**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input checked="" type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input type="checkbox"/> Increases inmate/offender services |
| <input checked="" type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions |
| <input type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input type="checkbox"/> Otherwise impacts incarceration (Explain) | |

STATE IMPACT: Class A, B & C felonies are based on an average daily prison rate of \$61.09. Most Class D felons are housed in one of 78 full service jails for up to 5 years. DOC's cost to incarcerate a felony inmate in a jail is \$32.51 per day (includes jail per diem, medical & central office costs), not including substance abuse treatment. Projections are based on the daily rate x 365 x number of years.

Projected Impact: ☐ NONE ☒ MINIMAL ☐ MODERATE ☐ SIGNIFICANT

Potential Impact: This bill creates 1 new violation and 2 new misdemeanor offenses – a Class B Misdemeanor for a second offense, and a Class A Misdemeanor for a third or subsequent offense. Since this bill does not create any new felonies, it will not have an impact on Department of Corrections (DOC) incarceration rate. The bill has the potential to increase the number of offenders in jails serving on misdemeanor offenses and DOC costs associated with county inmates in jail.

Increases in Cost of Providing County Inmates Access to Medical Network-The Department is responsible for payment for county offenders to be afforded access to medical network. The cost is calculated as follows: \$0.055 times the County Jail ADP for the month not to exceed \$165,958 based on a negotiated ADP of 8,318. Any increases in population beyond these parameters would require DOC to negotiate to amend the contract for the corresponding increased cost.

Increase in the Cost of Housing County Offenders for Medical Treatment – KRS 441.560 - Jails may request that a county offender be admitted to a DOC institution for treatment of catastrophic medical conditions. The Department assumes the cost of housing and medical care. In FY15 \$627,985 were expended for these admissions.

Acceleration in Depletion of Catastrophic Medical Fund – KRS 441.045 -The Department's Catastrophic Medical fund is utilized to reimburse jails for medical bills for county offenders which exceed \$1,000. Once this fund is depleted, county jails are responsible for these medical bills.

Misdemeanor Probation Supervision - This bill also has the potential to increase DOC supervision caseloads in counties where misdemeanor probation cases are supervised by Probation and Parole. Probation and Parole currently supervises district court misdemeanor probation cases in 18 counties and supervises circuit court misdemeanor probation cases in 101 counties. The cost to supervise an offender under the Division of Probation and Parole is \$3.46 daily.

LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. While the expense varies by jail, this estimated impact will be based on \$31.92 per day, which equals the per diem and medical that DOC pays jails to house felony offenders.

Projected Impact: ☐ NONE ☒ MINIMAL ☐ MODERATE ☐ SIGNIFICANT

Potential Impact: This bill creates 1 new violation and 2 new misdemeanor offenses – a Class B Misdemeanor for a second offense, and a Class A Misdemeanor for a third or subsequent offense. While the impact is expected to be minimal, there could be a fiscal impact due to the costs associated with incarceration. The bill creates new misdemeanor offenses and the Department is not able to project how many offenders will be arrested, convicted, probated, or incarcerated for these offenses.

Local Impact - Jails -Increase in Fees Associated with Incarceration

Any increase in the number of county offenders in county jails would increase housing costs, and other costs such as booking, court transportation, healthcare costs etc.

Catastrophic Medical Payments outlined in KRS 441.045-The Department is responsible for payments for medical bills for county inmates which exceed \$1,000. This fund is a set amount that has been insufficient to cover all bills submitted each year. Once this fund is depleted, county jails are responsible for payment of medical bills. An increase in the number of these offenders would increase cost of providing medical care to county jailers.

A Class A misdemeanor sentence is 90 days to 1 year in jail.

1 Class A misdemeanor: \$2,873. to \$11,650.

10 Class A misdemeanants: \$28,728 to 116,500.

100 Class A misdemeanants: \$287,300 to \$1.1M.

A Class B misdemeanor is up to 90 days in jail.

1 Class B misdemeanor: up to \$2,873.

10 Class B misdemeanants: up to \$28,728.

100 Class B misdemeanants: up to \$287,300.

The following offices contributed to this Corrections Impact Statement:

☒ Dept. of Corrections ☐ Dept. of Kentucky State Police ☐ Administrative Office of the Courts ☐ Parole Board ☐ Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population or that impose new obligations on state or local governments.

APPROVED BY:

Commissioner, Kentucky Department of Corrections

Date